

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: June 5, 2013

Agenda Item: Blackfoot River and Clark Fork River Fishing Regulations Changes

Division: Fisheries

Action Needed: Repeal Fishing Regulation

Time Needed on Agenda for this Presentation: 10 minutes

Background

In 2006, the FWP commission adopted fishing regulations that: 1) closed the Blackfoot River to fishing from the confluence with the Clark Fork to about 1 ½ miles upstream, as posted; and 2) closed the Clark Fork River to fishing from about 2 ½ miles upstream from the confluence of the Blackfoot River to about ½ mile downstream, as posted. These fishing regulations were adopted to coincide with rules that prohibited floating in these sections of the river and occupancy of the banks adjacent to the river. The rules were necessary to address safety concerns during construction activities associated with the removal of Stimson and Milltown Dams, old bridge piers, and thousands of saw logs. At its April 11, 2013 meeting, the commission amended the Blackfoot River closure rule to allow public occupation of the banks for recreation; boating, floating and swimming remains prohibited due to ongoing safety concerns. The commission also repealed the Clark Fork River closure, while retaining the closure on public use of the vegetated banks for restoration purposes. Closure signs along both rivers were subsequently removed, and the public has been using both rivers accordingly. Inadvertently, the department did not simultaneously request that the commission repeal the fishing regulation closures on these two rivers. The department is proposing that the commission take this action at its June 5 meeting.

Public Involvement Process & Results

Public comment was taken as part of the aforementioned rulemaking process to allow public access on both rivers, and all comments supported increased public access to the area. It is clear that the public supports and expects that fishing will be allowed in these areas. The department recommends that the commission allow for public comment on this agenda item at its June 5 meeting prior to making a final decision.

Alternatives and Analysis

Alternatively, the commission could decide not to repeal the fishing regulations. These sections of the Blackfoot and Clark Fork Rivers would remain closed to fishing. The bank of the Blackfoot River would be open to public occupancy but closed to fishing, and the Clark Fork River would be open to floating but closed to fishing.

Agency Recommendation & Rationale

The department recommends that the commission repeal the fishing regulations that closed these two sections of river. The fishing regulations were originally adopted to coincide with the river closures, which have been repealed or amended to allow public access to resume. These regulation changes would enhance angling opportunities and is consistent with the commission's recent decision to reopen the Clark Fork River and the banks of the Blackfoot River.

Proposed Motion

I move that the commission repeal the fishing regulation that closed the Blackfoot River to fishing from the confluence with the Clark Fork River to about 1 ½ miles upstream, and repeal the fishing regulation that closed the Clark Fork River to fishing from about 2 ½ miles upstream from the confluence of the Blackfoot River to about ½ mile downstream.